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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,950	09/28/2001	Philippe Couillaud	1948-4761	4822

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EXAMINER

TRUONG, BAO Q

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/966,950

Applicant(s)

COUILLAUD ET AL.

Examiner

Bao Q. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Objections*

2. Claims below are objected to because of the following informalities:

Claim 1, there are lack of antecedent basis for "the attitude of the motor vehicle" in the preamble, for "the elevation orientation" on line 10, 11, and for "the basis of a linear function" on line 13.

Claim 2, there are lack of antecedent basis for "the correction device's geometry", "the attitude of the vehicle", and "the height of the vehicle".

Claim 13, there are lack of antecedent basis for "the elevation orientation of the reflector" on line 4, "the beam L<sub>1</sub>" and "the beam L<sub>2</sub>" on line 6 and 7 respectively.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant has not clearly described what are all the variables,  $a$ ,  $b$ ,  $\theta_0$ , in claim 2, and  $k_1$ ,  $k_2$ , in claim 13. Those variables or constants should be fully described.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1, 3-6 and 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lopez et al. [US 6,144,159].

Regarding claim 1, Lopez et al. disclose a device for automatic correction of the orientation of a vehicle headlight [11] having an emitter [22] projecting two light spots [26, 27] being spaced apart in a direction [9, L], a sensor [30] comprising an objective [31] forming an image of the light spots [26, 27] on a receiver [32] and supplying an output signal [e10, e20], a processing means [42, 43], an actuator [44] to control a

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headlight position adjuster [18] on the basis of a linear function of the output signal [e10, e20] (figures 1-9, column 3 lines 56-67, column 4 lines 1-67, column 5 lines 38-67).

Regarding claim 3, Lopez et al. disclose an emitter [20, 22] and a sensor [30] being fixed with respect to one other (figures 1 and 4).

Regarding claim 4, Lopez et al. disclose an emitter [20, 22] and a sensor [30] being integral with a reflector of the vehicle (figure 5a).

Regarding claim 5, Lopez et al. disclose a reflector of a headlight (figure 2).

Regarding claim 6, Lopez et al. disclose an emitter [20, 22] and a sensor [30] being fixed with respect to a vehicle (figure 1a).

Regarding claim 8, Lopez et al. disclose two light spots [26, 27] defined a straight-line being parallel to an axis [9, L] (figure 1a).

Regarding claim 9, Lopez et al. disclose an emitter [20, 22] and a sensor [30] being situated in a same vertical plane (figure 6a).

Regarding claim 10, Lopez et al. disclose an emitter [20, 22] and a sensor [30] being situated in a same vertical plane and parallel to an axis of the vehicle [9, L] (figure 6a).

Regarding claim 11, Lopez et al. disclose an emitter [20] being situated on a fixed part of the vehicle and a sensor [30] being situated on a movable part of the vehicle (figures 4a, 5a).

Regarding claim 12, Lopez et al. disclose an emitter [20, 22] being situated on a movable part of the vehicle and a sensor [30] being situated on a fixed part of the vehicle (figures 1a, 2a).

***Allowable Subject Matter***

7. Claims 2 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter of claim 2. The linear function of the output signals from the sensor is of the form  $dc1 - a \times dc2 = K \times (\theta - \theta_0) + b$ .

Claim 13 is dependent on claim 2.

The limitations discussed above are neither disclosed nor suggested by the prior art of record.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1 and 2 have been considered but are not persuasive.

Claim 2, the applicant recites "These variables are clearly described with respect to the geometry of the recited of the correction device" (page 4 last paragraph). This is not true. The applicant recites as in claim 2 "*wherein a, b and  $\theta_0$  are constants characteristic of the correction device's geometry*". The geometry of the correction device could be a height, a width, an area, a depth, a volume, an angle, etc. Therefore, the constant characteristics a, b and  $\theta_0$ , are not clear. The applicant must fully describe what constants characteristic of the correction device's geometry are.

Claim 1, the applicant recites " On page 3 of the Office Action, the Examiner asserts that Lopez discloses this feature as spacing signals e10 and e20, which represent the spacings e1 and e2 of the spots 24-27 on the road 14", and expresses the spacings e1 and e2 are perpendicular to the longitudinal axis of the depicted automobile, not parallel, as recited in claim 1. However, on page 3 of the Office Action, the examiner has stated "an emitter [22] projecting two light spots [26, 27] being spaced apart in a direction [9, L]", not the spots 24-27, and the two light spots [26, 27] are spaced apart in a direction parallel to the longitudinal axis [L] of the vehicle (figure 1a).

In view of above, claims 1-6 and 8-13 are unpatentable.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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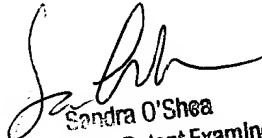
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (703) 308-6452. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Bao Q. Truong  
Examiner  
Art Unit 2875

BQT  
April 25, 2003

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800